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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,295	11/13/2001	Linda Ann Roberts	BELL-0130/01183	2697
38952	7590	09/30/2004	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			MCALLISTER, STEVEN B	
			ART UNIT	PAPER NUMBER

3627

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/008,295

Applicant(s)

ROBERTS ET AL.

Examiner

Steven B. McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 12-15 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Suzuki et al (6,470,323).

Regarding claim 12, Suzuki shows a server 1 with an interface connected to a network 2 (see Fig. 1); and a processing engine capable of providing the shopper an opportunity to select a notification option, of receiving purchasing information from the shopper containing a request to purchase goods and notification information, of providing the shopper with delivery information, of recognizing the occurrence of a triggering event that affects delivery, of notifying the shopper of the triggering event, and of notifying the shopper of a changed delivery date. It is noted that all "for..." elements are interpreted as intended use only.

Alternatively, claim 12 shows all elements of the claim except that the processing engine is capable of providing a shopper with an option to supply notification information. However, it is notoriously old and well known in the art to do so. One of ordinary skill in the art would use a processing engine capable of providing an option to the user to provide contact information in order to protect customer privacy and in order to avoid losing sales to customers who are unwilling to provide mandatory contact information.

As to claim 13, Suzuki shows a data storage facility in communication with the processing engine that stores data. It is inherent that it stores the notification information since the system notifies the customer when goods arrive and it must have notification information to do so.

As to claim 14, it is noted that Suzuki contains a shopper profile comprising the customer utilization history associated with the electronic request and operatively associated with customer notification information as described regarding claim 13.

As to claim 15, it is inherent that Suzuki has a message routing agent adapted to receive notification information since the system routes customer messages and must receive notification information to do so.

1. Claims 1-3, 6-9 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al (2003/0149640) in view of Murcko, Jr. (6,578,014).

As to claims 1, 7 and 12, Fisher et al show receiving purchasing information comprising a purchase request and notification information from the shopper 210 electronically via a network 275; providing the customer with delivery information; recognizing the occurrence of a triggering event comprising a change in shipping status; notifying the shopper that the triggering event has taken place; and notifying the shopper of a changed delivery date. Fisher et al do not show providing the shopper an option to receive the notification information. Murcko, Jr. shows providing the shopper an option to receive notification. It would have been obvious to one of ordinary skill in the art to modify the method of Fisher et al by providing a notification option as taught

by Murcko in order to promote customer satisfaction by allowing him to tailor the shopping experience to his liking.

Regarding claim 7, it is noted that system of Fisher et al in view of Murcko show all elements of the claim as discussed above.

As to claims 2 and 8, it is noted that Murcko shows a shopper profile associated with the shopper, the electronic request and the notification information, comprising buyer and buyer item databases and accessing the notification information.

As to claims 3 and 9, it is noted that Fisher et al show an email address.

As to claim 6, Fisher et al in view of Murcko show the Internet.

As to claims 13-15, it is noted that Fisher et al in view of Murcko show all elements of the claims.

2. Claims 4, 5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al in view of Murcko, Jr. as relied upon in claims 1 and 7 and further in view of "Presence: the Best Thing That Ever Happened to Voice" (hereafter Presence).

As to claims 4 and 10, Fisher et al in view of Murcko show all elements of the claim except notification information comprising presence information. Presence shows notification information comprising presence information. It would have been obvious to one of ordinary skill in the art to further modify the method of Fisher et al by using presence information in order to determine how the person would prefer to be contacted, therefor creating greater customer satisfaction.

As to claims 5 and 11, it is noted that Fisher et al in view of Murcko and Presence shows notification information representative of a plurality of pathways with each having a preferred rank (see second paragraph of page 1 of Presence and 768 of Murcko).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,728,685 shows updating the delivery date of an item as it makes its way through the pipeline.

2004/0172343 shows electronic ordering; providing contact info (since user is contacted); shopping cart and tracking systems providing estimated delivery dates and updated delivery dates; triggering contact of user upon selected events.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Steven B. McAllister

**STEVE B. MCALLISTER**  
**PRIMARY EXAMINER**